



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/449,021

11/24/1999

HELMUT EMMELMANN

EMMEL-1000US0

5718

28554 7590 01/21/2010  
Vierra Magen Marcus & DeNiro LLP  
575 Market Street, Suite 2500  
San Francisco, CA 94105

EXAMINER

KENDALL, CHUCK O

ART UNIT

PAPER NUMBER

2192

MAIL DATE

DELIVERY MODE

01/21/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/449,021	EMMELMANN, HELMUT	
	<b>Examiner</b>	<b>Art Unit</b>	
	CHUCK O. KENDALL	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,22-33,41-43,51-96 and 114-128 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,22-33,41-43,51-96 and 114-128 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This is in response to amendment filed 11/15/09
2. Claims 1 – 6, 8, 22 – 33, 41 – 43, 51 – 96, and 114 – 128 are pending in this application.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 6, 8, 22 – 33, 41 – 43, 51 – 96, and 114 – 128 are rejected under 35 U.S.C. 103(a) as being unpatentable over Web Writer: A Browsers -Based Editor for Constructing Web Applications Arturo et al. Published May 1996 (Hereinafter "Web Writer") in view of Web Writer II, Arturo et al. Published 1997.

Regarding claims 1, 6, 22, 26, 51, 59, 74, 90, 114, 125, a computer-readable medium encoded with computer programs having executable instructions software development system for editing software applications that run on a data network and a client computer, wherein the client computer runs a browser program, and whereupon request by the browser program at least one of the applications generates generated documents for display by the browser program on a display device and responds to the request with the generated documents page comprising:

a page document generator program running at least part of one of the applications being edited and generating the generated documents said generated documents including additional editing features for interpretation by the browser program (page 9, column 1, see Web Writer page Generator); and

an editor program dynamically operating on the generated documents pages displayed by the browser program via the editing features (page 9, column 1, see Web Writer page Generator, see on the fly, also see page 2, first paragraph for buttons and computing content on the fly for components as claimed in claim 59).

Although, Web Writer doesn't disclose having a server, Web WriterII discloses Web Writer coupling a WebServer in its implementation (section 1.2). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made combine Web Writer and Web Writer II, because it would enable making changes on the fly remotely.

Regarding claim 2, a computer-readable medium software development system as claim 1, further encoded with further comprising a plurality of components, and wherein developed the software applications comprise at least one page document template capable of containing components, and wherein the editor provides features to insert, modify and delete a component on at least one page document template, and wherein the page-document generator executes selected components on page document templates (page 2, Column 1, see Heading The Web Writer Application Model, shows template page).

Regarding claim 3, a computer-readable medium software development system as in claim 2, wherein at least one of the components reacts interactively on user input by executing instructions of said component on the server computer (see, FIG. 2).

Regarding claim 4, a computer-readable medium software development system as in claim 3, wherein at least one of the components contains at least one other component (FIG. 2, also see FIG. 4).

Regarding claim 5, a computer-readable medium software development system as in claim 3, wherein the set of components on pages documents generated from at least one page document template can vary for different requests of said page document template (page 2, Column 1, see Heading The Web Writer Application Model, shows template page, also see page 9).

Regarding claim 8, the development system of claim 6, wherein a component is nested within a component (Web Writer, see FIG. 4).

Regarding claim 23, a computer readable medium as in claim 22, wherein the editor program operates functional applications in an edit mode permitting editing directly in the web browser (page 2, Column 1, see Heading The Web Writer Application Model, shows template page).

Regarding claim 24, a computer readable medium as in claim 23 wherein at least one of the components contains instructions and can react on subsequent document requests containing user responses by executing selected instructions of said component (See Web Writer page 2 – 9 and et.

Art Unit: 2192

seq).

Regarding claim 25, a computer readable medium as in claim 24, of component classes, each component class implementing one component kind (Web Writer page 2 – 9, et seq); and

a parser program able to detect components marked on document templates (Web Writer page 2 – 9, et seq);

wherein the document generator program works upon a document request using component classes to generate browser code (Web Writer page 2 – 9, et seq); and

wherein the editor program is capable of showing a menu of components for insertion into the document templates (See Web Writer page 2 – 9 see editor, equivalent function).

Regarding claim 27, the system of claim 26, wherein the first document includes at least one component being executed by the first software program (See Web Writer page 2 – 9 and et. seq).

Regarding claim 28, the system of claim 27, wherein the second document includes handles and choosing one of the handles selects a component for an editing operation (Web Writer page 4, see clicking on its

Art Unit: 2192

handles).

Regarding claim 29, the system of claim 28, wherein at least one handle indicates the position of at least one component contained in the first document and said editing operation includes modifying the component, deleting the component, and displaying information regarding the component (Web Writer page 4, see clicking on its handles).

Regarding claim 30, the system of claim 26, wherein the features include scripts (See Web Writer page 2 – 9 and et. seq).

Regarding claim 31, the system of claim 30, wherein the scripts encapsulate information from the first document (See Web Writer page 2 – 9 and et. seq)

Regarding claim 32, the system as in claim 26, wherein the features incorporate information regarding the first document into the second document (See Web Writer page 2 – 9 and et. seq).

33. (currently amended) A system as in claim 32, wherein the information incorporated into the second document is used on the client computer in order to send change requests for the first document to the server computer (Web WriterII, see page 1510 section 4.1).



Regarding claim 41, (currently amended) a computer-readable medium as in claim 1, the editor program comprising a client part for execution on the client computer (Web WriterII, see page 1510 section 4.1).

Regarding claim 42, a computer-readable medium as in claim 41, wherein the client part comprises instructions for execution during editing that are automatically downloaded from the server computer in a request prior to editing (Web WriterII, see page 1510 section 4.1).

Regarding claim 43, a system computer-readable medium as in claim 26, additionally comprising at least one script for automatic download to the client that works in cooperation with the second document to permit editing of the first document (Web WriterII, see page 1510 section 4).

52. (previously amended) The system of claim 51, wherein at least some components include fourth program instructions including steps to generate browser code for transmission to the first software program in response to a request from the first software program, wherein the browser code can differ for multiple requests for the same document template (See Web Writer page 2 – 9 and et. seq).

53. (currently amended) A system as in claim 52 having a data network, coupling the computer and a client computer, the first program running on the client computer (Web WriterII, see page 1508 section 1.2).

54. (currently amended) A system as in claim 52 wherein second documents include HTML pages with embedded scripts(See Web Writer page 2 – 9 and et. seq).

55. (currently amended) The system of claim 52, wherein the editing functions includes adding a component to a document template, removing a component from a document template, and modifying a component on a document template (See Web Writer page 2 – 9 , see editor).

56. (previously added) The system of claim 52, further comprising a fifth software program used by the second software program while processing selected document requests, the fifth software program including fifth instructions for generating generated documents from document templates thereby calling fourth program instructions (See Web Writer page 2 – 9 , see templates and generator).

57. (previously added) The system of claim 56, wherein the generated

Art Unit: 2192

document includes, if requested in edit mode, edit features for interpretation by the first software program (See Web Writer page 2 – 9 , see editor).

58. (previously amended) The system of claim 56 further comprising instructions to allow the user to click on the generated document to select items to perform edit functions on (See Web Writer page 2 – 9 , see editor).

60. (currently amended) The software development system of Claim 59 comprising a data network which couples a server computer and a client computer, the document generator program running on the server computer, the editor program at least partly running on the client computer(Web WriterII, see page 1510 section 4).

61. (currently amended) The software development system of claim 60 comprising fourth instructions for execution during document generation to collect edit- information for use by the editor program (See Web Writer page 2 – 9 , see editor).

62. (currently amended) The software development system of claim 60, wherein the editor program uses a web browser for displaying said view(See Web Writer page 2 – 9, shows web browser).

63. (currently amended) The software development system of claim 60, comprising instructions for automatically repeating the requesting that the document generator processes the dynamic web document when if required (See Web Writer page 2 – 9, shows web browser).

64. (currently amended) The software development system of Claim 59 further comprising a plurality of components including at least one component marked on said dynamic web document and including instructions for use by the document generator program to generate browser code (See Web Writer page 2 – 9, see on the fly).

65. (currently amended) The software development system of claim 64, wherein the editor program uses a web browser for displaying said view (See Web Writer page 2 – 9, shows web browser).

66. (currently amended) The software development system of claim 64, wherein the modification functions includes insertion of a component, ~~detete~~ deletion of a component, and ~~modify~~ modification of a component (See Web Writer page 2 – 9, shows see editor).

67. (previously added) The software development system of claim 59, wherein said view looks, except for editing features, similar to the end-user view of the generated document(See Web Writer page 2 – 9, shows see

Art Unit: 2192

editor).

68. (currently amended) The software development system of claim 59 comprising sixth instructions to collect edit-information for use by the editor program, said sixth instructions for execution during document generation(See Web Writer page 2 – 9, shows document generator).

69. (currently amended) The software development system of claim 68, wherein the editor program uses the edit-information to correctly modify the dynamic web document (See Web Writer page 2 – 9, shows see editor).

70. (currently amended) The software development system of claim 69, further comprising a plurality of components wherein the edit-information comprises position information on selected components marked on the dynamic web document (See Web Writer page 2 – 9, shows dynamic web content).

71. (currently amended) The software development system of claim 59, wherein the editor program uses a web browser for displaying said view(See Web Writer page 2 – 9, shows see editor).

72. (currently amended) The software development system of claim 71, wherein the first instructions comprise seventh instructions for initiating a reload in the browser (See Web Writer page 2 – 9, shows browser).

73. (currently amended) The software development system of claim 59 wherein the editor program comprises eighth instructions to display information on at least one element of at least one dynamic web document, that is replaced during document generation, without requesting that the document generator program generates a document (See Web Writer page 2 – 9, shows generator).

75. (currently amended) The system as in claim 74, wherein the editing functions comprises adding a component, modifying a component, and deleting a component (See Web Writer page 2 – 9, shows see editor).

76. (currently amended) The ~~software development~~ system as in claim 74, wherein tag syntax is used to denote at least one component on at least one document template, whereby the tag name identifies the component kind(See Web Writer page 2 – 9, shows use of templates).

77. (currently amended) The system of claim 74 comprising a server computer coupled to a client computer by a data network, the document generator program running on the server computer, and the editor program running, at least partly, on the client computer (Web WriterII shows Web

server and editor, also see Web Writer).

78. (currently amended) The ~~software-development~~ system as in claim 74, wherein at least one component; that can react interactively on subsequent document requests can be excluded from said generated document upon selected document requests for said document template (See Web Writer page 2 – 9, shows generator and templates).

79. (currently amended) The ~~software-development~~ system as in claim 78 comprising third instructions to prevent excluded components from reacting on subsequent document requests (See Web Writer page 2 – 9).

80. (currently amended) A ~~software-development~~ system as in claim 79, said third instructions comprising fourth instructions to, upon a first document request, store information in session memory on some of the components that are present on the document generated based on the first document request, and fifth instructions to, upon subsequent document requests, only react on components that have been remembered in session memory thereby avoiding tampering with excluded components on the side of the first program (See Web Writer page 2 – 9).

81. (currently amended) A ~~software development~~ system as in claim 74 wherein at least one first component contains sixth instructions to decide upon a request for said document template about exclusion of components nested inside the first component from the generated document(See Web Writer page 2 – 9, shows Templates).

82. (currently amended) A ~~software development~~ system as in claim 74 the system ~~able to provide~~ providing an editable view taking the varying set of components into account (See Web Writer page 2 – 9, shows editor and display/interface).

83. (currently amended) A ~~software development~~ system as in claim 74 ~~system able to provide~~ providing an editable view that includes and excludes selected components on different requests for said document template ~~similarly as~~ similar to the end user's view of the document template (See Web Writer page 2 – 9, shows editor and template).

84. (currently amended) A ~~software development~~ system as in claim 74 wherein a document generated for at least one document template contains more components than the document template for at least one document



Art Unit: 2192

request (See Web Writer page 2 – 9, shows templates).

85. (currently amended) The ~~software-development~~ system as in claim 74, wherein multiple instances of at least one third component denoted on the document template can be included in at least one of the documents generated from said document template(See Web Writer page 2 – 9, shows templates).

86. (currently amended) The system as in claim 74, comprising seventh instructions to assign a unique identifier to each component instance of at least one seventh component, whereby the seventh component includes eighth instructions to qualify names generated into the browser code with the unique identifier  
(See under the heading, The Web Writer Application Model, " a set of named form elements used as variables").

87. (currently amended) A system as in claim 74, wherein at least one fourth component contains ninth instructions to decide how many instances of components nested inside the fourth component are included in the documents generated from said document template (See under the heading, The Web Writer Application Model, one or more dynamic areas on each

template page,” Examiner interprets this to be nested components).

88. (currently amended) A system as in claim 74 the editor program able to provide an editable view that includes multiple instances of selected components similar to the end user's view of the document template (See under the heading, Scripts and Formating for Output areas, multiple instances of variables are disclosed).

89. (currently amended) A system as in claim 74 wherein at least one sixth component includes tenth instructions to display the sixth component, the tenth instructions being used to generate browser code for displaying the sixth component during editing as well as during normal use of the component (See Web Writer page 2 – 9, shows browser).

91. (currently amended) The system as in claim 90 wherein the editor program includes instructions to display at least two windows, a first browser window displaying said document and a second window for displaying information on an element contained in said document(See Web Writer page 2 – 9).

92. (currently amended) The system as in claim 90 comprising a second software program having instructions for storing modifications on said

Art Unit: 2192

document in cooperation with the first software program (See Web Writer page 2 – 9, see editor).

93. (currently amended) The system ~ as in claim 92 further comprising a third program having instructions for transforming an original document into the document, the browser displaying the document as said view looking similar to the original document and interpreting editing features contained in the document (See Web Writer page 2 – 9, see editor).

94. (currently amended) The system ~ as in claim 93 wherein said original document is a dynamic document having components denoted thereon, the third software program comprising instructions for generating browser code in cooperation with selected instructions contained in the components (See Web Writer page 2 – 9, shows browser).

95. (currently amended) The system ~ as in claim 94 comprising a client computer connected to a server computer via a data network, wherein the browser together with the first software program is running on the client computer and the second and the third software program run on the server computer (See Web Writer page 2 – 9).

96. (currently amended) The system as in claim 90 wherein links contained in said document stay functional allowing the user to browse and edit at the same time (See Web Writer page 2 – 9, see editor).

Art Unit: 2192

115. (previously amended) The system of claim 128 wherein first features include fourth program instructions for passing information to the editor (See Web Writer page 2 – 9, see editor).

116. (currently amended) The system of claim 115 wherein at least part of said information is collected during execution of selected components on the server compute\_r(See Web Writer page 2 – 9).

117. (currently amended) The system of claim 115 wherein said information is transmitted from the server computer to the client computer (See Web Writer II et seq.).

118. (previously amended) The system of claim 115 wherein said information includes attribute values of said component (See Web Writer page 2 – 9, see editor).

119. (previously amended) The system of claim 128 wherein first features include fifth instructions that display additional editing features of the component during editing (See Web Writer page 2 – 9, see editor).

120. (previously added) The system of claim 119 wherein said editing features include handles (See Web Writer page 2 – 9, see editor).

121. (previously amended) The system of claim 128 wherein first features include an extension for use by the editor, said extension for enabling editing of an attribute value of the components(See Web Writer page 2 – 9, see editor).

Art Unit: 2192

122. (currently amended) The system of claim 121 wherein said extension enables display of a page for editing the attribute values of the components (See Web Writer page 2 – 9, see editor).

123. (previously amended) The system of claim 128 wherein at least one component is denoted on at least one document template using tag syntax, whereby the tag name identifies a component kind (See Web Writer page 2 – 9, see templates).

124. (previously amended) The system of claim 114 containing at least one component wherein second program instructions are used to generate browser code for displaying the component during editing and during normal use (See Web Writer page 2 – 9, see browser).

126. (currently amended) The method of claim 125 wherein the running step and the displaying step are repeated after the modification function (See Web Writer page 2 – 9, see editor).

127. (previously added) The method of claim 125 further comprising collecting edit information for use by the identifying step (See Web Writer page 2 – 9, see editor).

128. (previously added) The system of claim 114 additionally comprising a plurality of document templates with components denoted thereon, whereby

Art Unit: 2192

the browser code generated by the components can vary for different requests of the same document template (See Web Writer page 2 – 9, see editor, generator and browser and templates as well).

### ***Response to Arguments***

Applicant's arguments filed 12/30/08 have been fully considered but they are not persuasive.

Argument (1), Applicant argues on page 1, of his most recent response that, " Neither of the cited WebWriter articles describes or suggests running edited applications during editing...".

Response (1), in responding again, Examiner maintains that WebWritter does in fact have this limitation. In WebWritter on page 3, "...each page can contain both static content that is always present and computed content that is generated on the fly...This static content takes the form of a *template page*, which includes the specification of locations within the page, called *dynamic areas*, where computed content should be

Art Unit: 2192

inserted at runtime to produce the final page that will be displayed to the user...."

Examiner also maintains that the combination of WebWriter I and II all proper as both are analogous art and teach the applicants limitations as presented above in the rejection section.

Regarding Applicants other argument, Applicant simply rehashes arguments previously presented above as well as in previous arguments and maintains that Webwriter still teaches the above instant claimed invention.

#### Correspondence Information

5.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2192

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached between Monday and Thursday, at 11:00 am - 4:300pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.



Art Unit: 2192

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chuck O Kendall/

Primary Examiner, Art Unit 2192